

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
Nelson Robles,	:	
	:	
Plaintiff,	:	
	:	22-cv-7560 (VSB)
-against-	:	
	:	<u>ORDER</u>
Ava Ava Bar & Grill LLC, and Carlton Bryan	:	
	:	
Defendant.	:	
-----X	:	


VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on September 5, 2022, (Doc. 1), and filed an affidavit of service on Defendant Ava Ava Bar & Grill LLC on September 26, 2022, (Doc. 5.) The deadline for Defendant to respond to Plaintiff's complaint was October 17. (*See* Docs. 5.) On November 4, 2022, I warned Plaintiff that failure to prosecute the litigation could result in dismissal pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 8.) On November 14, Plaintiff stated that the parties had reached a settlement, and that they would file a 41(b) Notice of Dismissal before December 9, 2022. To date, Defendants have not appeared, a notice of dismissal has not been filed, and Plaintiffs have failed to demonstrate that they intend to prosecute this litigation.

Accordingly, Plaintiff's claims against Carlton Bryan are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to dismiss Defendant Carlton Bryan and terminate this action.

SO ORDERED.

Dated: December 15, 2022
New York, New York


VERNON S. BRODERICK
United States District Judge